

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0257.01 Michael Dohr x4347

SENATE BILL 21-017

SENATE SPONSORSHIP

Hisey,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING SEXUAL CONTACT BETWEEN A STUDENT AND AN**
102 **EDUCATOR IN VIOLATION OF THE PUBLIC TRUST.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a secondary school teacher who has sexual contact with a student who is 18 years of age or older may not have committed a crime. The bill provides that an educator who subjects a secondary school student who is at least 18 years of age to sexual contact commits the crime of abuse of public trust by an educator if the educator is at least 4 years older than the student. Abuse of public trust by an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

educator is a class 1 misdemeanor. Consent by the student is not a defense to the crime.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-8-410 as
3 follows:

4 **18-8-410. Abuse of public trust by an educator - definitions.**

5 (1) ANY EDUCATOR WHO KNOWINGLY SUBJECTS A STUDENT TO ANY
6 SEXUAL CONTACT COMMITS ABUSE OF PUBLIC TRUST BY AN EDUCATOR IF
7 THE STUDENT IS AT LEAST EIGHTEEN YEARS OF AGE AND THE EDUCATOR
8 IS MORE THAN FOUR YEARS OLDER THAN THE STUDENT AND IS NOT THE
9 STUDENT'S SPOUSE.

10 (2) ABUSE OF PUBLIC TRUST BY AN EDUCATOR IS A CLASS 1
11 MISDEMEANOR SUBJECT TO THE MODIFIED SENTENCING RANGE SPECIFIED
12 IN SECTION 18-1.3-501 (3).

13 (3) CONSENT BY THE STUDENT TO THE SEXUAL CONTACT DOES NOT
14 CONSTITUTE A DEFENSE TO THE OFFENSE.

15 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
16 REQUIRES:

17 (a) "CONSENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
18 18-3-401 (1.5).

19 (b) (I) "EDUCATOR" MEANS A PERSON EMPLOYED AT THE SAME
20 SCHOOL THE STUDENT ATTENDS AT THE TIME OF THE SEXUAL CONTACT
21 AND WHO:

22 (A) INSTRUCTS STUDENTS AT THAT SCHOOL;

23 (B) ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATIONAL
24 INSTRUCTION PROGRAM OR A PORTION THEREOF;

25 (C) PROVIDES HEALTH OR EDUCATIONAL SUPPORT SERVICES

1 DIRECTLY TO STUDENTS OF THE SCHOOL; OR

2 (D) COACHES STUDENTS OF THE SCHOOL.

3 (II) "EDUCATOR" DOES NOT INCLUDE ANOTHER STUDENT AT THE
4 SCHOOL WHERE THE EDUCATOR IS EMPLOYED.

5 (c) "SCHOOL" MEANS ANY INSTITUTION THAT INSTRUCTS PERSONS
6 IN ANY OF GRADES PRESCHOOL THROUGH TWELVE BUT DOES NOT INCLUDE
7 ANY POSTSECONDARY SCHOOL.

8 (d) "SEXUAL CONTACT" HAS THE SAME MEANING AS SET FORTH IN
9 SECTION 18-3-401 (4).

10 (e) "STUDENT" MEANS ANY PERSON ENROLLED IN A SCHOOL.

11 (5) SCHOOLS SHALL ADVISE ALL EMPLOYEES OF THE PROHIBITIONS
12 IN THIS SECTION.

13 **SECTION 2. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect September 1, 2021; except that,
15 if a referendum petition is filed pursuant to section 1 (3) of article V of
16 the state constitution against this act or an item, section, or part of this act
17 within the ninety-day period after final adjournment of the general
18 assembly, then the act, item, section, or part will not take effect unless
19 approved by the people at the general election to be held in November
20 2022 and, in such case, will take effect on the date of the official
21 declaration of the vote thereon by the governor.

22 (2) This act applies to offenses committed on or after the
23 applicable effective date of this act.